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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/177,902	10/23/1998	DAVID A. HOLMAN	E-1658	3711

7590 11/19/2002
DOUGLAS E. MCKINLEY, JR.
PO BOX 202
RICHLAND, WA 99352

EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/19/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/177,902	10/23/98	Holman et al.	E-1658

EXAMINER	
I. Cintins	
ART UNIT	PAPER NUMBER
1724	18

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The communication filed on August 19, 2002 is not deemed to be fully responsive to the Office Action dated March 29, 2002 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

Art Unit: 1724

The Office Action dated March 29, 2002 contains a rejection of claims 1-5 and 8-17 under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Specifically, it was pointed out that the use of a rod and column chamber which are constructed and arranged such that the matrix material is packed and unpacked by rotating either the rod or the column chamber with respect to the other (citing page 8, line 21; page 12, line 10; and page 13, line 18, of the specification) whereby the surface area of the rod is always in contact with the fluid appears to be critical and essential to the practice of the invention.

Applicant's communication filed August 19, 2002 amends claims 1, 5, 8 and 17 to recite that the rod maintains contact with the fluid flow, but fails to mention the portion of the rejection which held that "the use of a rod and column chamber which are constructed and arranged such that the matrix material is packed and unpacked by rotating either the rod or the column chamber with respect to the other" is also critical and essential to the practice of the invention. Accordingly, the communication filed on August 19, 2002 fails address the entire rejection under 35 U.S.C. 112, first paragraph; and therefore, this communication does not satisfy the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

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Since the above noted communication appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
November 16, 2002